

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAWN M. EICHMAN,

Plaintiff,

v.

MANN BRACKEN, LLC;
WELD, RILEY, PRENN & RICCI S.C.;
RYAN J. STEFFES;
JOHN DOE, ONE UP;
and JANE DOE, ONE UP;

Defendants.

ORDER

09-cv-624-slc

Plaintiff Dawn Eichman, a resident of Turtle Lake, Wisconsin, has filed this civil action in which she alleges that defendants have violated her rights under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, and the Wisconsin Consumer Act, Wis. Stat. § 427. Plaintiff has paid the \$350 fee for filing this case.

The next step is for plaintiff to serve her complaint on defendants Mann Bracken, LLC; Weld, Riley, Prenn, Ricci, S.C.; and Ryan Steffes. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving her case to resolution. If plaintiff acts promptly, she should be able to serve her complaint on the defendants well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedures for serving her complaint, I am enclosing with this memorandum copies of documents titled "Procedure for Serving a Complaint on a

Corporation in a Federal Lawsuit” and “Procedure for Serving a Complaint on Individuals in a Federal Lawsuit.” In addition, I am enclosing to plaintiff one copy of her complaint and the forms she will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandum.

After an answer has been filed on behalf of the named defendants, a preliminary pretrial conference will be held. At the time of the conference, I will discuss with the parties the most efficient way to obtain identification of the unnamed defendants and will set a deadline within which plaintiff is to amend her complaint to identify them.

ORDER

IT IS ORDERED that plaintiff promptly serve her complaint on defendants Mann Bracken, LLC; Weld, Riley, Prens, Ricci, S.C.; and Ryan Steffes and file proof of service of her complaint as soon as service has been accomplished. If, by November 27, 2009, plaintiff fails to submit proof of service of her complaint on the defendants or explain her inability to do so, I will direct plaintiff to show cause why her case should not be dismissed for lack of prosecution.

Entered this 14th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge